



ORRICK, HERRINGTON & SUTCLIFFE LLP  
4 PARK PLAZA  
SUITE 1600  
IRVINE, CA 92614-2558  
tel 949-567-6700  
fax 949-567-6710  
WWW.ORRICK.COM

September 21, 2005

Sam Stone  
(949) 567-6700  
sstone@orrick.com

Ms. Kim Lising  
eyeonics, inc.  
6 Journey, Suite 125  
Aliso Viejo, CA 92656

Re: International Application PCT/US2005/005335  
Applicant: Eyeonics, Inc.  
Title: LENS FOR INCREASED DEPTH OF FOCUS  
Orrick Ref. No.: 13533.4041

Dear Kim:

As of January 1, 2004, the International Searching Authority (ISA) is providing a new enhanced search and examination. The search report issued by the ISA is similar in scope and content as previous Search Reports, however, the ISA will now also provide a Written Opinion. In that connection please find enclosed a copy of the International Search Report, cited references and Written Opinion we recently received from the ISA in connection with the above entitled PCT application.

The ISA Written Opinion states that claims 1-20 are not novel nor have an inventive step, however claims 1-20 are industrially applicable. Although we now have an opportunity to file an amendment in response to the Search Report, we do not believe an amendment is warranted in light of the Written Opinion. Therefore, unless we hear from you to the contrary, by November 5, 2005, we will not respond to the Search Report.

In the corresponding U.S. case, we have a continuing duty to disclose all pertinent prior art. Hence, when we received this Search Report in the PCT Application, and noted the citation of five patents that were not of record in the U.S. application, we became obligated to disclose the references to the U.S. Examiner in an Information Disclosure Statement. In that connection, please find enclosed a copy of the Information Disclosure Statement filed in connection with the corresponding US application.



O R R I C K

Ms. Kim Lising  
September 21, 2005  
Page 2

Thank you for allowing us to assist you in this matter. If you have any questions regarding this issue, please do not hesitate to contact me.

Best Regards,



Sam Stone

SS/cmw  
Enclosure